

**REMARKS**

As detailed in the above listing of the claims, all of the finally rejected claims but claim 31 have been canceled and new claims 32-56 have been added. Although claims 32-56 are new, they do include some elements and limitations of the finally rejected claims, so the new claims will be related to the prior art that served the basis for that final rejection.

**Claim Rejections under 35 USC § 112**

Independent claim 31 stands rejected under § 112, second paragraph, as indefinite. Specifically, recitations such as “above the floor,” “takes a yield mode,” and “exceed” were held to render the claims indefinite. Claim 31 has been amended such that those limitations are no longer present, leaving claim 31 in a condition for allowance.

New independent claim 45 includes language reciting that the lower track is adapted to be disposed above the floor. In reciting that the lower track is adapted to be disposed above the floor, the applicants make it clear that the floor is not being positively recited but rather the claim is directed to the subcombination as noted by the examiner. Additionally, new claim 45 corrects any grammatical awkwardness of the term “exceed” formerly in claim 1 by relating the term “exceeds” to a magnitude of an impact force.

The foregoing should eliminate any rejection under 35 U.S.C. §112 that may have been proper.

**Claim Rejections under 35 USC § 102**

Independent claim 31 stands rejected under 35 USC § 102(b) as anticipated by Linstadt (USPN 1,802,519).

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Independent claim 31 relates to a door for at least partially covering a doorway, the doorway being defined by a surrounding structure that includes a wall such that the doorway has a width. The door of claim 31 comprises, *inter alia*, an upper track, a door panel suspended from the upper track, and a lower track disposed below the upper track, wherein the lower track is attachable to one of the door panel and the surrounding structure such that the lower track is entirely outside the width of the doorway. Claim 31 recites that the door further comprises a panel retention system and a resilient connection to limit movement of the door panel out of a predetermined normal path.

Linstadt, on the other hand, discloses a device for guiding the bottom of sliding doors used in barns and stock buildings (col. 1, ll. 1-3). The primary object of Linstadt's device "is to provide a barn door bottom track and guide which will effectively hold the lower part of the door in position against the door sill and which is of such construction that cattle passing over the sill will not damage the track" (col. 1, ll. 4-10, emphasis added). As clearly shown in Linstadt's Figure 1, the alleged lower track (8) falls within the width of the doorway, or door opening (2). In fact, Linstadt must make special accommodations to protect the alleged lower track (8) against damage because the lower track (8) is inside of, or within, the width of the doorway and, therefore, in the path of bodies traveling through the doorway.

In sharp contrast, claim 31 recites a lower track that is attachable to the surrounding structure such that the lower track is entirely outside the width of the doorway. For at least these reasons, Linstadt does not anticipate independent claim 31, leaving it in a condition for allowance. The applicants respectfully request allowance of independent claim 31 and new claims 32-44, which depend therefrom.

### **The New Claims**

As noted above, claims 32-56 have been added herein, of which, claim 45 is an independent claim. Independent claim 45 relates to a door movable relative a doorway defined by a wall and a floor, wherein the doorway defines a path of pedestrian and vehicle travel through the wall and wherein the door may be subjected to an impact force. The door of claim 45 comprises, *inter alia*, an upper track, a door panel suspended from the upper track, and a lower track that is disposed below the upper track and attachable to the wall. The lower track is further specified as being adapted to be disposed above the floor such that no portion of the lower track extends into the path of pedestrian and vehicle travel. Claim 45 further recites that the door also includes a panel retention system and a resilient connection that allows the door panel to deviate from a predetermined normal path when the impact force exceeds a predetermined magnitude and returns the door panel to the predetermined normal path when the impact force no longer exceeds the predetermined magnitude. Linstadt does not disclose a lower track that is adapted to be disposed above the floor such that no portion of the lower track extends into the path of pedestrian and vehicle travel.

In contrast (and as detailed above in connection with claim 31), Linstadt discloses an alleged lower track (8) falls within the width of the doorway, or door opening (2) (see Figure 1). Linstadt actually teaches the opposite of that which is claimed here. In particular, Linstadt must make special accommodations to protect the alleged lower track (8) against damage because the lower track (8) is inside of, or within, the width of the doorway and, therefore, in the path of pedestrians (and animals) traveling through the doorway. In fact, because lower track (8) and sill (6) are disposed in the path of travel

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through the doorway, it may serve as a trip hazard for pedestrian traffic and makes it unlikely that a vehicle could even travel through the doorway.

For at least these reasons, independent claim 45 and the claims that depend therefrom define over Linstadt and the other prior art of record. Accordingly, the applicants respectfully request allowance of new claims 45-56.

**CONCLUSION**

In view of the foregoing claim amendments and remarks, claims 31-56 are in condition for allowance. Reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17 to Deposit Account No. 50-2455. Please refund any overpayment to Hanley, Flight & Zimmerman, LLC at the address below.

Respectfully submitted,  
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